IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 16TH JANUARY 2007 / 26TH PAUSHA 1928

Bail Appl..No. 189 of 2007()

CP.163/2006 of JFCM.-II,KOTTARAKKARA
Crime No.314/04 of Pooyappally Police Station

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: PETITIONERS/ACCUSED:

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1. J. RAJAN,
ARCHANA VILASOM, VAKKANAD P.O., KOTTARAKARA.

2. S. DEVARAJAN,
SANTHOSH BHAVAN, ELAVOOR, PALLIMON P.O., KOLLAM.

BY ADV. SRI.V.PREMCHAND

RESPONDENT:

THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.Ramkumar, J.

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B.A.No. 189 of 2007

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Dated this the 16th day of January, 2007.

ORDER

Petitioners, who are accused Nos.1 and 2 in Crime No.314 of 2004 of Pooyapally Police Station for offences punishable under Sections 8(1) and (2) and 55(a) of Abkari Act for allegedly carrying 10 litres of illicit arrack on 1.9.2004 at 9.30 p.m. in an autorickshaw of which A1 is the owner and A2 is the driver, seek anticipatory bail.

2. The case is now pending before the J.F.C.M.-II, Kottarakkara as C.P.No.163 of 2006. Admittedly, non-bailable warrants of arrest are pending against the petitioners.

3. The learned Public Prosecutor opposed the application.

4. Anticipatory bail cannot be granted in a case of this nature so as to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioners should not surrender before the Magistrate and seek regular bail. Accordingly, if the petitioners surrender before the Magistrate and file an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same date on which it is filed after

considering the medical grounds put forward on behalf of the first petitioner

With this direction, this application is disposed of.

V.Ramkumar,
Judge.

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